IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 9364 of 2002

Between:
1 P.Kumar
M/S Lakshmi Kala Mandir, Alwal, R.R.Districdt,
2 N.Mallesh Yadav
M/S Sri Raghavendra Theatres, 70mm & 35mm Malkajgiri, R.R.Dist,

.....
PETITIONER(S)

AND

Branch Manager, Films Divisions, Ministry of Information & Broadcasting,
Government of India, Sultan Bazar, Hyderabad

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the condition NO. 41 & 42 of B-Form License of the petitioners' theatres as illegal, null, void and unconstitutional; and consequently declare the action of the respondent in insisting for production of No Objection Certificate/Films Divisional Certificated from the Films Division for renewal of B-from License by paying rentals from 1995 onwards, as illegal, null and void.

Counsel for the Petitioners :MR.K.DURGA PRASAD, Advcoate

Counsel for the Respondent: Mr.M.Ganga Rao, Standing Counsel.

The Court made the following :

Oral Order:

Petitioner played fraud in obtaining interim order from the Court which is evident from the prayer in the writ petition, wherein he seeks a Mandamus to declare the condition Nos.41 & 42 of B-Form License of the petitioner—theatre and insisting for producing of No Objection Certificate/Films Division Certificate from the Films Division for renewal of B-Form License by the licensing authority as illegal, null and void. But curiously the licensing authority, which is alleged to have been insisting for production of No Objection Certificate, has not been impleaded as party respondent.

Learned Counsel for the petitioner contends that respondent influenced licensing authority in issuing notice to obtain certificate by paying rentals for screening short films which is evident from the notice dated 03-05-2002 and memo dated 07-03-2002.

If that be the case, petitioner has to implead the licensing authority to answer the averments made by him in the affidavit filed in support of writ petition. In view of the same, the present writ petition is liable to be dismissed as petitioner obtained an interim order without giving an opportunity to the licensing authority to contest the claim of petitioner by misleading the Court.

The writ petition is accordingly dismissed with exemplary costs of Rs.5,000/- (Rupees five thousand only) which shall be payable by the petitioner within four weeks to the A.P. State Legal Services Authority.

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A.GOPAL REDDY, J.

15-06-2004

Murthy

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. Branch Manager, Films Divisions, Ministry of Information &Broadcasting Government of India, Sultan Bazar, Hyderabad.

2. 2CD copies

3. the A.P. State Legal Services Authority, Hyderabad.